

DD Act

Final Rule

Overview and Summary

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What is the DD Act?

History

In 1963, individuals with developmental disabilities faced exclusion from many spheres of public and private life, including most schools and community spaces. Many spent nearly their entire lives in large, state-run institutions. These institutions were often grossly underfunded and reports of systemic abuse and neglect were common.

It is in this context that what is now known as the [Developmental Disabilities Assistance and Bill of Rights Act \(DD Act\)](#) was signed into law by President John F. Kennedy.

Why is the DD Act Important?

In the decades since the DD Act was enacted, it has come to represent a fundamentally different vision of what it means to live with a developmental disability.

It is a vision rooted in the belief that “**disability** is a natural part of the human experience that **does not diminish the right** of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society.”

DD Act - Background

- The DD Act was reauthorized in 2000
- The DD Act funds program and initiatives for individuals with developmental disabilities in the three programs/networks authorized under Act:
 - State Councils on Developmental Disabilities
 - Protection and Advocacy Systems
 - University Centers for Excellence in Developmental Disabilities (UCEDDS)

Note: The Projects of National Significance are also authorized The Projects of National Significance did not have any significant changes through this rule process

Structure of the DD Act

Section 1 – Short Title, Table of Contents

Short Title: Developmental Disabilities Assistance and Bill of Rights Act of 2000

- **Title I – Programs for Individuals with Developmental Disabilities**
 - Subtitle A – General Provisions
 - Subtitle B – Federal Assistance to State DD Councils
 - Subtitle C – Protection and Advocacy of Individual Rights
 - Subtitle D – National Network of UCEDDS
 - Subtitle E – Projects of National Significance
- **Title II – Family Support**
- **Title II – Program for Direct Support Workers Who Assist Individuals with Developmental Disabilities**
- **Title IV - Repeal**

DD Act Final Rule – Overview

Effective Date: August 26, 2015

Made some changes to the three core areas

– **Councils**

- 70% of funds must be set aside for Council goals
- 60% of Council members must be people with DD or their family members
- States must have a functioning P&A for the Council to receive their award

– **Protection & Advocacy**

- Increased access to records from the 2000 Act – not from new rule
- States must provide information on adequacy of HCBS services to P&As
- Majority of governing board (51%) must be people with disabilities or their family members

– **UCEDDS**

- New UCEDDs must target underserved or unserved States or populations
- \$500,000 plus inflation trigger amount for new UCEDDs

Titles II and III are authorized *BUT* no federal funds are appropriated for:

- Family Support Services
- Programs for Direct Workers who Assist individuals with DD

DD Act Summary of Changes

General Updates

- Changes to references to program names, terminology, other statutes, regulations, and administrative authority
- Definitions for accessibility, AIDD, advocacy activities, capacity building activities, developmental disability, and State
- Education of Policy Makers to offer balanced and non-partisan information consistent with the principles of DD Act
- State plan process, requirements, approvals and periodic reports

New/Changes

- Employment of individual with disabilities to meet current law and ADA and loss of federal funds if out of compliance
- Reports to Secretary on plans, applications, and reports that must have label goals, activities, and results based on areas of emphasis, type of activity, and category of measure of progress (will be monitored)
- Changes to funding allocation for FY17 (will be posted this fall)
- Council demonstration projects limited to five years
- Failure to comply with State plan will result in loss of federal funds

How DD Act Fits

Administered by:

- Administration on Intellectual and Developmental Disabilities (AIDD)

– Under the Administration for Community Living

- Part of the US Department of Health and Human Services

**Secretary,
HHS**

Centers for
Medicare &
Medicaid
Services (CMS)

1915(c)
Waivers – HCBS
Programs

1115 Programs
- KanCare

**Administration
on Community
Living (ACL)**

**Administration
on IDD**

Substance
Abuse and
Mental Health
Services
(SAMHSA)

Behavioral
Health

Substance Use
Disorders

Prevention

Administration
on Aging

Older
Americans Act

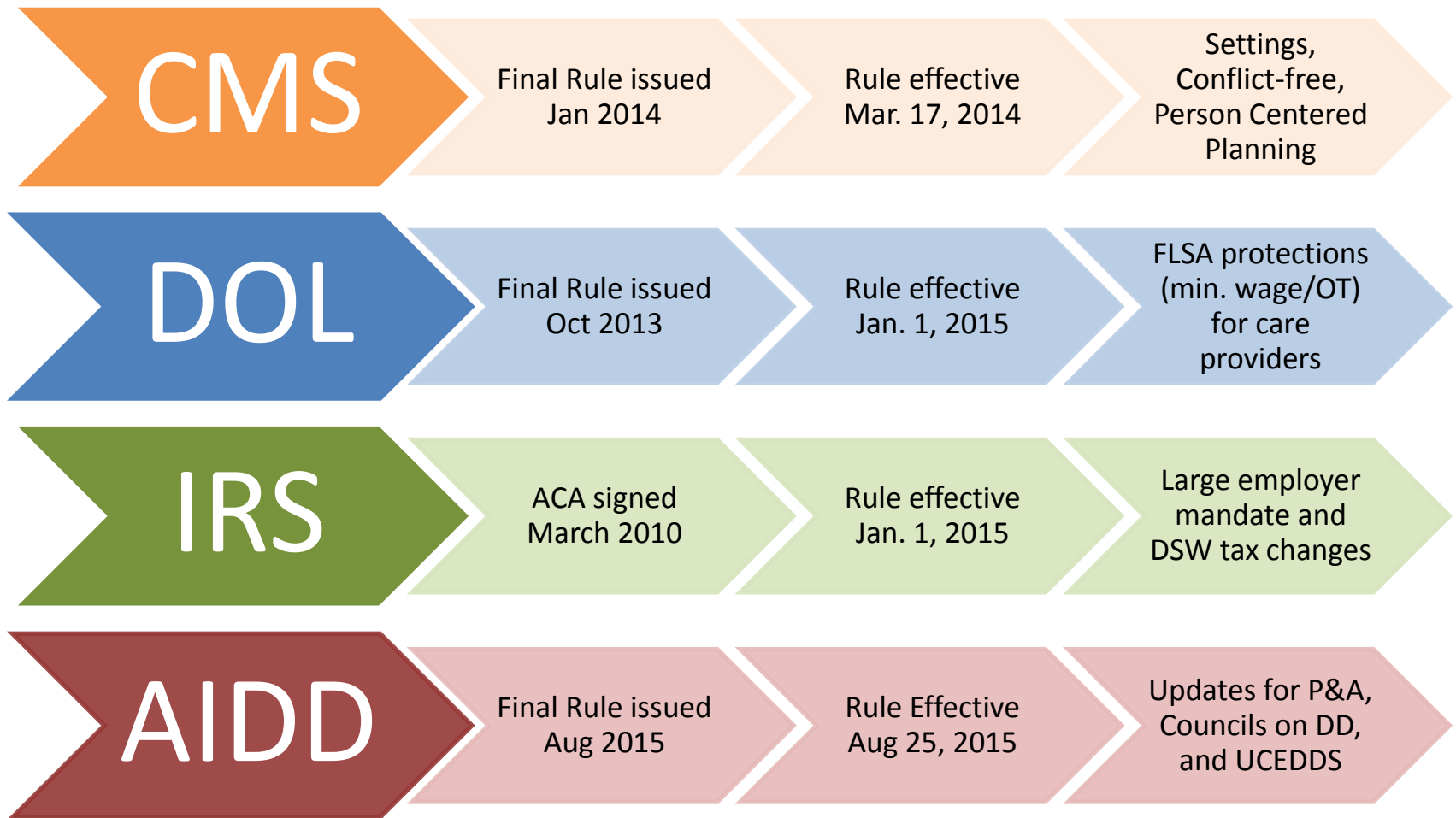
Office of
Inspector
General

Medicaid Fraud
Control Unit

Program
Integrity

*Other
Administration
including FDA,
CDC, NIH)*

Overview of Recent Federal Rules



Overview of Rules Impacting KDADS

Ctrs for Medicare & Medicaid Services

CMS Final Rule

- Rule regarding non-residential and residential settings
- Conflict Free Case Management
- Person Centered Planning

Department of Labor (DOL)

DOL Final Rule

- Fair Labor Standards Act
- Companionship (Home Care) Rule
- Joint/Co-Employment
- Shared Living

Internal Revenue Service (IRS)

Tax Mandates

- Affordable Care Act (ACA) large employer health-care mandate
- Employer Tax Administration procedures
- Change to tax laws for DSW

DD Act – Kansas Overview

- **Protection and Advocacy System within the State**



- Attorney General's office
- Disability Rights Center
- Adult Protective Services

- **Councils on Developmental Disabilities (KCDD)**



- KS Council on Developmental Disabilities (KCDD)
 - Partners in Policymaking
 - Project SEARCH (through KCDD)

- **University Centers for Excellence in Developmental Disabilities Education, Research and Service (UCEDDs)**



- KU Center on Developmental Disabilities

DD Act impacts services and programs under other Kansas agencies